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HAND DELIVERED

Mr. Rick Breitenbach
CALFED Bay-Delta Program
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Dear Mr. Breitenbach:

The South Delta Water Agency submits the following comments to the DEIS/EIR of the CALFED Bay-Delta Program.

Introduction

Although the Program has lofty goals, its broad scope precludes it from reaching those goals. CALFED's generally nonspecific attempt to improve all aspects of water quality, water supply, and ecosystem restoration falls apart each time specifics are developed. California's water problems cannot be solved by State and Federal agencies saying they will "evaluate ways to reduce" constituents that adversely affect water quality. All that means is that the tough decisions on how to deal with a problem will be deferred (once again) to a later date.

The principle example of this is the USBR's inability to meet its permit conditions to maintain the salinity at Vernalis set forth in the 1995 Water Quality Control Plan. The DEIS/EIR does not even mention this obligation or the fact that the Bureau's current operations are estimated (by it) to result in violations of this standard in over 50 percent of the years. CALFED makes no specific attempt to correct this problem and yet seeks to adopt a Preferred Alternative which will increase the amount of water the Bureau (and DWR) will export from the Delta. CALFED was not be constituted to allow a party to increase the benefits it receives from the system while at the same time ignoring that party's adverse effects on the system.

CALFED also fails to recognize the necessary long-term results from its program. It assumes urban and environmental needs will require an ever greater increasing portion of the

available water supply at the expense of agriculture. California's production of food must increase so that there is an adequate food supply for our grandchildren when we have twenty million more Californians to feed. In twenty-five years, the good supply available on the world market will be greatly reduced, due to world population growth and the lack of adequate water in many countries. We will sacrifice our children's future if we follow CALFED's plans to take land and water away from the production of food while the need for food is growing; and if we follow CALFED's plan to not just continue but to increase the unsustainable overdrafting and salinizing of Central Valley groundwaters; and if we accept CALFED's refusal to build the valley drain without which we will gradually destroy the fertile south Central Valley farm lands that are essential to our food supply.

CALFED must vigorously develop and pursue a plan to mitigate the impact of the state and federal projects on the watershed of the San Joaquin and Tulare basins. It must get started on the flow process of raising Friant Dam, increasing storage in the Kings River watershed and elsewhere, and building a drain to convey to the ocean the salt that is imported into the ?South Central Valley by the CVP and SWP. Until the drain is built, CALFED's plan must reduce the high salinity in the San Joaquin River that results from this importation of salt. This can be done in part by installing three tidal barriers in the South Delta to stop the recapture and re-export of the concentrated salt that drains into the river from the CVP service area.

Part of the problem is that some of the program's goals or objectives are either misstated or unattainable. One of the objectives is to "reduce the mismatch" between supplies and uses. This assumes that somewhere there is an unused supply of water that can be shifted to an area of need. Although that situation may exist in some places, it ignores the legal restraints on transfers necessary to achieve that goal. The Delta Protection Act requires that the State and Federal projects prevent salinity intrusion and coordinate their operations and flows so as to provide adequate water for in-Delta uses including fisheries and agriculture. Only <u>surplus</u> water to those needs can be exported. In light of this, the starting point for the program should have been a determination of what in-Delta needs are and how to provide them. Thereafter, surplus flows need then be identified, and finally how and when those surplus flows can be exported.

By not starting from this statutorily required premise, CALFED violates existing laws and ends up then trying to promote a "share the burden" attitude. Strangely enough, those entities that wish to share the burden are the ones that have caused the water quality problem, water supply shortages, and adverse effects on the ecosystem.

1. <u>South Delta Barriers.</u>

A. The DEIS/EIR opts for a two tidal barrier/dredging program for the South Delta in combination with the Head of Old River fish barrier. In order for this to be the Preferred Alternative, there must first be an evaluation of the impacts of the program and that evaluation

must be subject to public review before the adoption of the Preferred Alternative. This has not yet occurred. As per the ongoing SDIT process, CALFED has not evaluated its Preferred Alternative. Currently, there is an ongoing process to model the effects of a two tidal barrier/dredging program. However, since the amount and location of the dredging has not yet been determined, the analysis cannot yet be completed. Only after that analysis has been done and there is public review can CALFED make a decision. Choosing the Preferred Alternative before this process is complete violates CEQA and NEPA law.

B. CALFED has not yet stated what the goal of the South Delta Improvement Plan is. As originally conceived, the Interim South Delta Program (which CALFED has taken over) was to implement an agreed to settlement of a 1982 lawsuit wherein SDWA sued DWR and USBR over the adverse changes to flows, water levels, water quality, and circulation caused by operation of the CVP and SWP. This agreed to settlement was unilaterally changed by CALFED without SDWA input. SDWA's initial analysis of the two barrier/dredging program is that it, in conjunction with other specified CALFED programs, will result in the South Delta diverters being in a worse condition.

The goal or objective of the program is therefore of extreme importance. If the goal is to obtain some level of improvement, then CALFED can choose an alternative with marginal improvement that does not cure the harm the projects have caused the South Delta. If the goal is to maximize water quality and quantity for the South Delta, then the currently designated Preferred Alternative does not meet this goal. If the goal is a settlement of the 1982 lawsuit, then the Preferred Alternative can only be something to which SDWA agrees, which has not yet happened. The drafters must specify what the goal is.

This program is the litmus test for all CALFED actions. If CALFED can implement measures in the South Delta without the approval of the SDWA, then all of CALFED's principles of reducing conflicts, no transferred effects, and public acceptance become meaningless.

C. The analysis of the alternatives is currently incomplete. Initial results attempt to compare a three barrier program, a two barrier program with dredging, and changed SWP operations with a base case of no export operations. This appears to be an attempt to limit the benefit SDWA diverters will receive under the program to something at or near the "no export" scenario. However, that base case must but does not yet include the original levels of San Joaquin River flow and water quality which have been significantly diminished by CVP operations.

D. SDWA has numerous comments, input, and corrections to the current modeling/analysis for the barrier program. Since the DEIS/EIR does not yet contain CALFED's

analysis, SDWA's comments will be submitted after an environmental document with that analysis has been released for public review.

2. The document references the need to screen in-Delta diversions. SDWA is aware of no test programs or analyses which indicate unscreened agricultural diversions have any significant effect on fisheries. Enclosed herewith are two DWR studies which evidence the minimal effect such local diversions have on fisheries. Logically, the effect that a 24-inch diversion has on a South Delta channel is infinitesimal when compared with the CVP and SWP operations which pull the entire flow of channels into their pumps.

3. The document notes that salt water intrusion from the Bay/ocean is the major cause of high salinities in the Delta. More correctly, elevated salinity levels in the South Delta are a result of high salinity surface and subsurface agricultural return flows originating from the CVP's west side San Joaquin Valley service areas. These return flows sometimes exceed the Vernalis salinity standard by a factor of 10, and are the cause of decreased crop productivity in the South Delta. Only rarely has salt water intrusion caused any significant decrease in South Delta crops. It is important to note that once salinities reach a certain level, any increase causes harm to crops. For most Delta crops, that threshold level is lower than the standards (see attached testimony and studies).

4. The document references the installation of tidal barriers or their "functional equivalent." The drafters need to define what they mean by functional equivalent as it is not clear that anything except a barrier can trap incoming tidal flows.

5. Under the goals of the Ecosystem Restoration Project, the document describes the restoration of instream and channel forming flows. This goal is in direct conflict with over 100 years of government and locally initiated efforts to provide flood control protection to the people of the State of California. Many of the ERP's proposals seek to implement actions which will frustrate flood control needs. The CALFED process must contain a mechanism by which it insures that efforts to restore habitat or flows do not frustrate necessary flood control efforts.

6. CALFED seeks to restore habitat and fisheries to some unspecified level. Absent from this analysis is an investigation into whether or not that is possible. For example, CALFED has adopted both State and Federal goals of doubling anadromous fish populations. Given that there is a fixed amount of biomass in the system, on what basis can CALFED conclude that one species will be able to double in size? In order to supply the appropriate nutrients for that doubling, some other species would be deprived of that amount of nutrients. How will this be accomplished? This issue ties in closely with the ERP's discussion of controlling evasive species. Whether or not that is a desirable goal, the document contains no specifics or analysis of how introduced species may be controlled.

7. The document does not explain how water use efficiency or water transfers will result in new yield. The document describes how those actions may result in a reallocation of the existing supplies but then confuses that reallocation with the idea that there is now more water available for use. Enclosed herewith are various documents and testimony SDWA put forth in the ongoing SWRCB Bay-Delta Water Right Hearings. These documents show that especially on the San Joaquin system, in most years, there is no excess water. What this means is that all of the water of the system is put to some beneficial use each year. Whether it is consumed by upstream diverters, or downstream diverters, used for instream water quality, used for fish flows, used for the prevention of salt water intrusion, or used to provide Delta outflow, all of it is put to beneficial use. In light of that, increased "water use efficiency" or water transfers necessarily decrease the amount available for some beneficial use.

For example, if an upstream agricultural diverter applies less water or intercepts the water that would normally escape his control, he may be freeing up water for another use or a transfer to a current use, but he is also decreasing the amount of water used by downstream diverters, fish, salinity intrusion, or Delta outflow. In that event, others must provide a substitute for this decreased flow, and the system has no net gain. A recent example is the sale of water to provide increased fishery flows in April-May which this year resulted in the need for the USBR to release additional water in summer months to maintain water quality (SJRA program).

8. Following on the above comment, CALFED's goal of seeking to reduce the mismatch between supplies and users is the incorrect starting point. Although there are certainly opportunities to save water or transfer water with no adverse third party effects, what is actually needed is an increase in supply, or yield, so that increasing uses will have a sufficient supply. Water use efficiency in upstream areas has no effect on yield because downstream users have relied on the water that escaped the upstream users' districts.

9. The DEIR/EIS' analysis of potential increased supplies due to conservation appears to be vastly overstated. Conservation by "end users" whose excess or return flows go directly to the ocean will increase the available supply for them. However, before embarking upon a multi-billion dollar plan, the DEIR/EIS should first identify the amount of water projected to be needed by the State of California, next identify the current firm yield of the system supplying that water, then determine how much is available through conservation. After those numbers have been developed, an estimate of the amount of new yield needed can be made. With that new number, CALFED should then determine how to develop that increased yield. Although there is strong opposition to new reservoirs, at this time the only method of adding substantial new yield is by trapping flood flows which would have escaped the system. Off stream storage projects such as those considered by CALFED are most likely impractical. Not only can they not capture any significant portion of that excess flood flow (due to the inability to quickly transfer those high flows), but they also have high costs associated with delivering the

water to the off stream storage and delivering the water from the storage. In light of these, it is doubtful any organization would embark on such a project.

10. The DEIR/EIS states that CALFED will contain "mechanisms to provide third party protections" for water transfers. To date, no CALFED agency has recognized any such third party effects resulting from any water transfer. SDWA has alleged such third party transfers in numerous projects including the Bureau's IWAP and the SJRA, but in each case all Federal agencies have decided that no third party effects exist. Before CALFED embarks on a program to encourage transfers, it must recognize the existence of third party effects before promising to mitigate for them.

11. As stated before, CALFED's initial goal should be the adequate protection of water quality, quantity, and circulation in the Delta. Thereafter, the identification of surplus flows could be exported. However, CALFED's initial interest is to improve the transport of Sacramento River water across the Delta to the State and Federal pumps for export out of the region. As per the various comments of Alex Hildebrand submitted herewith, CALFED staff has not attempted to maximize the ability to use through-Delta improvements for that transfer of water. This intentional lack of effort to maximize in-Delta transfer has resulted in the program only temporarily deferring its implementation of an isolated facility. Although the DEIS/EIR repeatedly states that its current Preferred Alternative is the through-Delta transfer of water, the document also repeatedly confirms that CALFED will begin the process of evaluating and designing the isolated facility. If CALFED were truly interested in maximizing the through-Delta transfers, it would focus its efforts in that direction rather than towards the isolated facility. Even if the through-Delta doe snot work as well as desired, efforts to improve it should precede efforts to supplant it.

12. The Delta Protection Act (Water Code §§ 12200 et seq.) provides that the State and Federal governments must provide salinity control in the Delta and,

> an adequate water supply for the users of water in the Sacramento-San Joaquin Delta. If it is determined to be in the public interest to provide a substitute water supply to the users in said Delta in lieu of that which would be provided as a result of salinity control no added financial burden shall be placed upon said Delta water users. . . (Section 12202)
>
> It is hereby declared to be the policy of the State that no person, corporation, or public or private agency or the State or the United States should divert water form the channels of the Sacramento-San Joaquin Delta to which the users within said Delta are entitled. Section 12203.

> In determining the availability of water for export from the Sacramento-San Joaquin Delta, no water shall be exported which is necessary to meet the requirements of Section 12202 and 12203 of this chapter. Section 12204.
>
> It is the policy of the State that the operation and management o releases from storage in the Sacramento-San Joaquin Delta of water for use outside the area in which such water originates shall be integrated to the maximum extent possible in order to permit the fulfillment of the objectives of this part. Section 12205.

It is clear then that an isolated facility as proposed by CALFED and which CALFED is currently working on directly conflicts with the plain language of the Delta Protection Act. Therefore, contemplating, developing, and proceeding with an isolated facility violates CALFED's solution principle that any action must be implementable and have "broad public acceptance and legal feasibility." In addition, there are other restrictions contained in area of origin, watershed protection, and the San Joaquin River Act which also limit the ability to export water from the Delta. By not addressing these restrictions, CALFED continues its preference for exporters at the expense of other beneficial users.

13. The document contemplates that the Preferred Alternative will include a 15,000 CFS intake at Clifton Court Forebay operated independent of the tidal cycle. Current SWP operations are coordinated with the tidal cycle. The South Delta Barrier Program was designed to address South Delta water level, circulation, and quality problems caused by State and Federal project operations and was based upon SWP operations being coordinated with the tidal cycle. Changing the SWP operations from their current practice to one that is independent of tidal cycles can and will have a significant effect on the efficiency of the South Delta tidal barriers. Since the ongoing SDIT has indicated that CALFED staff has only just started modeling the effects of this new SWP operation on tidal barriers, there is no basis on which CALFED can choose this new alternative. Once again, CALFED has put the cart before the horse and chosen a Preferred Alternative before it conducted any analysis of the effects of the choice on other CALFED actions and other interests. Even if the analysis of the changed operations and the tidal barriers is being deferred to a subsequent environmental document, the current DEIS/EIR would be insufficient for selecting a specific action before analysis has been done.

14. The document also endorses unlimited joint point of diversion "taking into account fishery, water quality, and storage needs." Absent from CALFED's consideration is the effect JPOD will have on South Delta diverters and/or the South Delta tidal barriers. JPOD anticipates changing pumping operations between SWP and CVP. Depending on when the change occurs, and which pumping operation is increased, potentially significant adverse effects

result to South Delta water levels. It is inconceivable that an agency committed to reducing conflicts among users would endorse JPOD without even recognizing its potential adverse impact to South Delta riparians as well as to its own South Delta barrier program. Enclosed herewith is a copy of an agreement between USBR and SDWA indicating the issues involved.

15. On what does CALFED base its statement that under the no action alternative fisheries and water quality will deteriorate? Currently, the SWRCB is implementing a new Water Quality Control Plan to protect fisheries and water quality. The Central Valley Regional Water Quality Control Board is developing and will implement water quality standards and TMDL limits on the San Joaquin River. CVPIA requires the Bureau to provide water to improve fisheries. It appears that numerous diverse actions are ongoing which will improve water quality and fisheries even in the absence of CALFED's new bureaucracy.

16. The DEIR/EIS notes that there are potential significant adverse effects resulting from the conversion of prime agricultural land. On what basis does CALFED decide to address declining fisheries by converting Delta ag land to habitat while at the same time increasing exports from the Delta when the major contributing factor to the declining fisheries is the export of water from the Delta? Since there is no way to mitigate a decrease in prime agricultural land located in the Delta, CALFED should focus its efforts to improve fisheries by addressing the actions its member agencies have undertaken which have diminished the species.

17. The document references the various models used to analyze the effects of the alternatives. It is SDWA's position that the models generally understate the amount of return flows in the system and thus do not adequately examine downstream effects resulting from transfers and increased water use efficiency. Attached hereto is a memo from a consultant to an upstream water district evidencing that any transfer of water by that upstream entity results in a decrease in river flow in an amount equal to one-third of the transferred water. Does the modeling predict or acknowledge this effect?

18. The DEIS/EIR notes increased water stages and water quality in the South Delta resulting from the Preferred Alternative. It should clarify that those improvements are a result of the tidal barrier program, not any other CALFED actions. In a public meeting held two years ago at the Roberts-Union Farm Center, CALFED staff informed the public that its efforts to improve the transfer of water through or around the Delta all resulted in decreased water quality in the South Delta. The document should contain a comparison of how much the through-Delta transfer affects water quality and how that changes the effectiveness of the South Delta Barrier Program.

19. The document fails to adequately describe the existing conditions. Enclosed herewith are numerous documents evidencing the fact that the CVP decreases San Joaquin River flows in excess of 500,000 acre-feet per year, results in the addition of large amounts of salts to

the San Joaquin River, and in coordination with the SWP radically alters the normal flow patterns of the Delta which decreases water levels, decreases water quality, and creates null zones. In response to this, the SWRCB through D-1422 imposed upon the USBR the obligation to maintain the water quality objective at Vernalis through releases of fresh water from New Melones. The Bureau has adopted a plan of operations for New Melones which does not meet the Vernalis objective in more than 50 percent of the years. CALFED's stated purpose to improve water quality in the Delta is inadequate unless and until it addresses this problem.

20. The DEIS/EIR states that in the Delta Region, "potentially significant adverse cumulative impacts could occur in all resource categories." It does not seem that CALFED's lofty goals of improving Delta water quality and supply while not transferring impacts to other parties will be met. It appears that the document recognizes that in order to provide additional exports of water, there will be significant adverse impacts in all resources categories in the Delta.

21. The document notes potential large increases of exports from the Delta but does not identify whether or not this water is surplus to in-Delta needs as required by the Delta Protection Act.

22. The DEIS/EIR notes that new storage facilities would increase the amount of water available for agricultural production. As referenced above, new storage is independent of new yield. The document needs to clarify what new storage may be and whether or not it increases the total amount of water available for beneficial use.

23. The document perpetuates the false notion that efforts should be made to reduce salinity (and other constituent) loading. The problem with salinity is not one of loading, it is one of concentration as confirmed by the salinity standard at Vernalis being one of concentration. It does not matter what the load is if there is sufficient dilution to lower the concentration to an acceptable level. Efforts to reduce loading simply result in the accumulation of the salts in one area, especially the CVP west side service area. That accumulation will eventually drive agriculture in the area out of business. CALFED should take advantage of the recirculation proposal as well as other methods of coordinating the discharge of salt loads out of the system during times of high flows. Attached hereto are analyses done by south Delta and numerous CALFED agencies evidencing how the recirculation proposal may add to this solution.

24. The DEIS/EIR notes that no potentially significant adverse impacts to Bay-Delta hydronamics and rivering hydrolics have been identified. Since the evaluation of the different impacts resulting from a two tidal barrier program and a three tidal barrier program have not been completed, the document should recognize potential adverse impacts may result since South Delta's analysis suggests the two barrier program will cause harm.

25. The ERP anticipates affecting up to approximately 166,000 acres of Delta lands. Since the document does not state or quantify the beneficial effects resulting from ERP efforts on State and Federal lands in the Delta, there is no basis on which to estimate the need to convert additional Delta lands. The Preferred Alternative should seek to maximize the benefits on those publically owned lands and then consider conversion of additional lands if habitat needs require it.

26. The document repeatedly refers to the concept of "willing sellers" in relation to the conversion of agricultural land and the transfers of water. The fact that a seller is willing in no way addresses the question of whether or not such an action has an adverse effect on third parties or is contrary to public policies. For example, most farmers will sell once a certain price is reached, but that still may be contrary to State and local legislation which attempts to preserve prime agricultural land.

27. It is not clear what "stakeholder" involvement means. It is clear that CALFED believes allowing parties to comment on its decisions constitutes stakeholder involvement. However, if the public comments have no effect on the decisions, the involvement is meaningless. The perfect example of this is CALFED's unilateral change from a three barrier program to a two barrier/dredging program. SDWA was originally told that its comments would have no effect on the decision, and it was denied the ability to present its position to the CALFED Policy Group. This practice is directly in conflict with CALFED's objectives and solution principles.

28. Although the document recognizes that the conversion of farm land to wetlands/habitat results in an increase in the consumption of water, it provides no analysis of the amount of that increase or the source of water to supply that increase. The document's analysis gives bookend numbers for increased export from the Delta, and it is not clear whether those numbers affect the projected exports. Of particular importance is the effect of increased water consumption in the Delta during drought years. There is no analysis of how wetlands needs may affect riparian needs in those times of shortage.

29. The DEIS/EIR lists the modeling assumptions used in the analysis. Those assumptions include operation of CVP and SWP facilities to meet the SWRCB 1995 Water Quality Control Plan. Since current and projected operations will not meet the Vernalis water quality objective which is part of the plan, it is unclear what the modeling assumed. If it assumed water quality was being met, the analysis is by definition faulty. If it assumed it was not being met, on what basis does the CALFED Program proceed if it chooses to meet some standards and not others.

30. The document notes that during dry and critical years, annual Delta exports could increase by as much as 130 TAF. It also notes that over the long term annual Delta outflow

could decrease by as much as 390 TAF. It is not apparent that any portion of the DEIS/EIR analyses the effects of these two possibilities. During drought times, Delta exports drop to minimal levels in order to provide salinity control, outflow, and in-Delta needs. Absent an increase in yield, there would be no surplus water which would allow increased exports during those times.

31. The ERP seeks to consolidate agricultural diversions and discharges in the Delta, yet the document states that Delta water rights would not be altered. In order to consolidate diversions, permits to divert would have to be granted by the SWRCB. This would often times result in a riparian being forced to divert under an appropriative right.

32. The document states that under the ERP, the release of acquired water would flow through the Delta and increase Delta outflow. The only way outflow can be increased is if some upstream use consumes less water. A lower application rate, a greater efficiency, or any other action except decreased consumption will have no effect on net Delta outflow.

33. The ERP also anticipates very large additional Delta flows and significant upstream purchases on the San Joaquin River and its tributaries. Until the issue of third party impacts resulting from transfers is resolved, the only way to plan on having those increased numbers is to ignore South Delta complaints of third party impacts. This is contrary to CALFED's solution principles. There is still strong disagreement regarding the effects of these upstream transfers.

34. In discussing the various alternatives for the tidal barriers, the document references a flow control structure along Old River near Paradise Cut. This is in error. The Old River barrier is much farther west than Paradise Cut; it is actually close to the CVP diversion point. As stated above, the analysis of the alternatives is not yet complete. Specifically, the two barrier program contains unspecified dredging. SDWA's analysis indicates that the dredging (instead of the Grantline barrier) will allow the trapped tidal flows to escape and thus frustrate the purpose of the barriers. In addition, the points above the dredged areas will have their water levels lowered more quickly and thus either exacerbate old or cause new water level problems.

35. The document references the potential for increased TDS in portions of the Delta. If that statement is based upon an analysis of the two barrier program, the result is unacceptable to local interests. If that statement is based upon the fact that the tidal barriers redirect the high saline waters of the San Joaquin River into the Central Delta, it should be noted that DWR's analysis indicates that any TDS increases in the San Joaquin are quickly diluted to a point where they are below the water quality objectives and are expected to cause no significant adverse effects.

36. It is not clear whether or not the DEIS/EIR seeks to include in-Delta agricultural discharges in its efforts to reduce contaminates to the waterways. South Delta agriculture adds no significant salts to the waters. The salts that are in its drainage originated from the same Delta waters and are merely slightly concentrated as they would be from any consumptive use of water. The San Joaquin River/south Delta salinity problem is a function of the addition of salts during low flow times. As the document states, multi-hundreds of thousands of tons are imported by the CVP to the San Joaquin Valley and end up in the River. It is unfair and illogical to equate riparian use of stream water with discharges by entities who receive imported salts.

37. The document should describe how the export projects have radically altered the flows of the Delta. Much of the channels have reverse flows due to the pull of the export projects which overcome the natural hydrology of the San Joaquin River. These flow changes also adversely affect fisheries.

38. With regard to resolving the potential third party effects resulting from transfers, the document seeks not only a standardized set of policies but an expedited process. This sounds more like a wish list than a program to be undertaken. Until those parties who feel the effects from transfers are in agreement with those parties who want to do the transfers, there will be no standardized set of policies and there should not be an expedited process. Again, the same CALFED agencies who advocate those policies are the ones who have as of yet never found a significant third party effect resulting from a purchase.

39. SDWA encourages CALFED to act quickly on its proposal to investigate the possibility of a recirculation of DMC water.

SDWA's general concerns deal with those effects resulting from the CALFED proposal that have not been addressed. Mr. Alex Hildebrand as a member of the BDAC had repeatedly set forth those issues and as of yet has not received any satisfactory answers. The most important of these unexamined issues is the decision to alter the three tidal barrier program to one of two tidal barriers and dredging. Such a significant change in an ongoing project should not take place until the appropriate analysis has been done. CALFED acknowledges through its SDIT Program that such analysis has not been done.

Finally, the DESI/EIR although meant to be a programmatic document contains a fatal lack of specificity. It is one thing to say CALFED seeks to decrease constitute loading, increase water quality, increase water supply, protect third parties, improve environmental conditions, and restore fisheries, it is quite another thing to figure out how to do this. If the follow-on environmental documents will specify and evaluate how to accomplish these goals, then this document is nothing more than a statement of goals. SDWA encourages CALFED to not

proceed on any project until the local interest have been brought into the decision making process and are in agreement with the proceeding.

SDWA joins in the comments submitted by Central Delta Water Agency.

Very truly yours,

JOHN HERRICK

JH/dd
Enclosures